THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.23688 OF 2005

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in not investigating into the crime No.54 of 2005 dated 7.8.2005 on the file of P.S.Chagalamarri of Kurnool district, as arbitrary and illegal.

In the affidavit filed in support of the writ petition it is alleged that the petitioner was attacked by some persons on 06.8.2005. He escaped unhurt and lodged a complaint on the same day with the Station House Officer, Chagalamarri, on the basis of which FIR No.54 of 2005 was registered. It is also stated that on the basis of complaint made by his opponent, FIR No.53 of 2005 was also registered on the same day against the petitioner for the offence punishable under Sections 147, 148, 307 read with 149 of the Indian Penal Code. It is alleged that the respondent officials under the influence of opponent of the petitioner, have been taking prompt action in FIR No.53 of 2005, but they deliberately did not take any action in FIR No.54 of 2005 registered on the basis of the complaint made by the petitioner. Hence, this writ petition.

In pursuance of the rule nisi ordered by this court, the Sub-Inspector of Police, P.S.Chagalamarri filed counter on behalf of the respondents in which it is stated as under:

> " In conducting the investigation in both the crimes, the investigation officer did not show any discrimination. The investigation is conducted in both the crimes impartially. The allegation of the petitioner that he gave the complaint at 5 P.M. and that the police under the influence of the accused did not do justice to him and his opponents created a scene by showing a small injury sustained by one Gurrapa to implicate him in Cr.No.53 of 2005 is false, baseless and invented for the purpose of this writ petition. The allegation of the petitioner that in the instant case, the police acted illegally and did not perform their statutory duty, is not correct and hence denied. I assure this Hon'ble Court that final report in Cr.No.54 of 2005 will be filed shortly."

From the averments in the counter affidavit, which stood unrebutted, it is clear that the respondent officials have been conducting the investigation in both Cr.No.53 of 2005 & Cr.No.54 of 2005 in accordance with law. It is also assured by the respondents that the final report in Crime No.54 of 2005 will be filed shortly. In the circumstances, recording the above statement in the counter affidavit that the final report in Crime No.54 of 2005 will be filed shortly, the writ petition is disposed of. The petitioner is also granted liberty to raise objections, if any, before the competent court after such final report is filed by the respondents.

The writ petition is accordingly disposed of. No costs.

_____

22.11.2005

mdaa**.**